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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,459	08/22/2003	Jeffrey Ying	156886-0060	8497

29000 7590 02/08/2007  
IRELL & MANELLA LLP  
1800 AVENUE OF THE STARS  
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LOS ANGELES, CA 90067

EXAMINER
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COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/646,459

Applicant(s)

YING, JEFFREY

Examiner

Kenneth R. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 40-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 40-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 40 – 83 are rejected under 35 U.S.C. 102(e) as being anticipated by Rode et al. (U.S. Pat No. 6,643,689) (Process and Components for Controlling the Connections of a Transmission System).

- 2.1 Regarding claim 1, Rode discloses a matrix control network, comprising:

a hierarchical control network, said hierarchical control network comprising a plurality of data bases and a plurality of control network nodes arranged in a hierarchical structure, each of the data bases communicatively coupling one or more of said control network nodes (Figs. 1, 2; col. 1, lines 35 – 47; col. 3, lines 16 – 30); and

a supervisory communication, said supervisory network comprising a supervisory communication bus and a plurality of supervisory nodes communicatively coupled to said supervisory communication bus, each of said supervisory nodes configured to

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monitor at least one of the data buses of said hierarchical control network (Figs. 1, 2; col. 1, lines 35 – 47; col. 3, lines 16 – 30).

2.2 Per claim 40, Rode teaches the matrix control network of claim 1, wherein at least one of the control network node communicatively coupled to a given data bus is configured to operate as a master node and the other control network nodes communicatively coupled to that data bus are configured to operate as slave nodes (Figs. 1, 2; col. 1, lines 35 – 47; col. 3, lines 16 – 30).

2.3 Regarding claim 41, Rode discloses the matrix control network of claim 40, wherein each of said supervisory nodes comprises a supervisory node slave unit and a supervisory node master unit, said supervisory node slave unit connected to one of said data buses of said hierarchical control network, and said supervisory node master unit connected to said supervisory communication bus (Figs. 1, 2; col. 1, lines 35 – 47; col. 3, lines 16 – 30).

2.4 Per claim 42, Rode teaches the matrix control network of claim 41, wherein the master node for each data bus systematically polls the slave nodes connected to the data bus (col. 3, line 60 – col. 4, line 20).

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2.5 Regarding claim 43, Rode discloses the matrix control network of claim 42, wherein the master node for each data bus polls the supervisory node slave unit of the supervisory node connected to the data bus (col. 3, line 60 – col. 4, line 20).

2.6 Per claim 44, Rode teaches the matrix control network of claim 43, wherein the supervisory node slave unit of each supervisory node refrains from transmitting over the data bus to which the supervisory node is connected unless authorized by the master node connected to the data bus (Fig. 7; col. 7, lines 34 – 48).

2.7 Regarding claim 45, Rode discloses the matrix control network of claim 1, wherein a supervisory node detecting an error or exception condition transmits an alert message over said supervisory communication bus (col. 2, lines 20 – 24).

2.8 Per claims 46 – 83, the rejection of claims 1 and 40 – 45 under 35 USC 102(e) (paragraphs 2.1 – 2.7 above) applies fully.

### ***Response to Arguments***

3. Applicant's arguments filed 10/30/06 have been fully considered but they are not persuasive.

Applicant argues that Rode does not disclose the physical architecture of the present claim language, namely a “plurality of data buses”, a “supervisory communication bus”,

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with corresponding "control network nodes" and "supervisory nodes" as disclosed in the independent claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the **physical** architecture detailed above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M – F, 7 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

krc

KENNETH R. COULTER  
PRIMARY EXAMINER

